REMARKS

Claims 1, 3, 4, 6-14, 16-22, 24-36 and 41-49 are pending in the application. Claims 1, 3, 4, 6-14, 16-22, 24-36 and 41-49 stand rejected. Claims 1, 10, 11, 13, 17, 21, 26, 31, 34, 41, 45, and 48 have been amended. No new matter has been introduced into the application. As explained in more detail below, Applicants submit that all claims are in condition for allowance and respectfully request such action.

Examiner Interview

Applicants would like to thank Examiner Buchanan for the courtesies extended to its representative during the telephonic Examiner Interview of April 14, 2010. The following remarks include Applicants' substance of the interview pursuant to MPEP § 713.04.

Claim Rejections – 35 USC § 103

Claims 1, 3, 4, 6-14, 16-22, 24-36, and 41-49 were rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,269,285 to Mignault ("Mignault") in view of U.S. Publication No. 2005/0279722 to Ali ("Ali"). Applicants respectfully request withdrawal of these rejections.

The Action alleges that the particular features of the system design and data analysis would be matters of design choice since they have not been shown to solve any stated problem or serve any particular purpose. See Action, page 4. As discussed with the Examiner, Applicants respectfully disagree that the features and structure of the system as recited in the claims are a matter of design choice. However, Applicants have amended the independent claims to further expedite prosecution and more clearly define the claims.

Amended claim 1 recites, among other features,

> a sensor assembly comprising a transmitter configured to send a signal to a processing device, the sensor assembly configured to detect the position of the pusher assembly by scanning the indicia strip and determining a code based on the pattern of bits scanned, the sensor assembly positioned on a pusher and configured to transmit the code representative of the position of the pusher assembly for further processing; and
> the processing device configured to receive the transmitted code and calculate the distance between the pusher assembly and an end of the shelf based

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on the transmitted code, and wherein the processing device is configured to
provide a notification concerning the position of the pusher assembly.

Notably, Mignault and Ali, alone or in combination, fail to teach or suggest a processing device
configured to receive the transmitted code and *calculate the distance between the pusher
assembly and an end of the shelf based on the transmitted code*, as recited in amended claim 1.
Accordingly, amended claim 1 is allowable over the combination of Mignault and Ali for at least
this reason.

Amended independent claims 13, 17, 26, 31, 41, 45, and 48 recite substantially similar
features as discussed with respect to claim 1. Accordingly, amended claims 13, 17, 26, 31, 41,
45, and 48 are allowable over the combination of Mignault and Ali for substantially the same
reasons as claim 1.

Claims 3, 4, 6-12, 14, 16, 18-20, 27-30, 32-33, 42-44, 46-47, and 49 depend from claims
1, 13, 17, 26, 31, 41, 45, or 48 are therefore allowable over the combination of Mignault and Ali
for at least the same reasons as their ultimate base claim, and further in view of the novel and
non-obvious features recited therein.

Amended claim 21 recites, among other features,

> a sensor assembly comprising a transmitter configured to send a signal to a
> store computer, the sensor assembly associated with a pusher assembly having an
> indicia strip, the sensor assembly positioned on a pusher and configured to scan a
> pattern of bits on the indicia strip to determine a code based on the pattern of bits
> scanned and transmit the code relating to the position of the pusher assembly; and
> the store computer configured to receive the code and to transmit a signal
> in response to the code and compare the code to a previous pusher code to
> determine a movement of the pusher assembly and a rate of change in a product
> level, and further configured to provide a notification that a deviation in the
> typical movement of the pusher assembly and rate of change of product level has
> occurred.

Mignault and Ali, alone or in combination, fail to teach or suggest a store computer configured to
receive the code and to transmit a signal in response to the code and compare the code to a
previous pusher code to *determine* a movement of the pusher assembly and *a rate of change in a
product level*. Further, Mignault and Ali, alone or in combination, fail to teach or suggest a store
computer configured to *provide a notification that a deviation in the typical movement of the*

pusher assembly and rate of change of product level has occurred, as recited in amended claim 21. Accordingly, amended claim 21 is allowable over the combination of Mignault and Ali for at least these reasons.

Amended claim 34 recites substantially similar features as discussed with respect to claim 21. Accordingly, amended claim 34 is allowable over the combination of Mignault and Ali for substantially the same reasons as claim 21.

Claims 22, 24-25, and 35-36 depend from claims 21 or 34. Accordingly, claims 22, 24-25, and 35-36 are allowable over the combination of Mignault and Ali for at least the same reasons as their ultimate base claim, and further in view of the novel and non-obvious features recited therein.

CONCLUSION

The Applicants respectfully request consideration of the application and allowance of all pending claims. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,
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